

DETAILED ACTION

Response to Arguments

In view of the Appeal Brief filed on 3/19/2008, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132

Claim Rejections - 35 USC § 103

Claims 1, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2002/0196787 to Rajan in view of US Patent 2004/0064688 to Jacobs.

Regarding Claim 1, 5, Rajan discloses the forming a collective Internet Protocol data packet, each containing several data packets of different communication streams see

Par. 00012 & Par. 0013. But does not explicitly disclose the encrypting of the collective Internet Protocol packet and further of transmitting the encrypted collective packet.

However, Jacobs discloses the encrypting of packet see Fig. 4 item 45 and transmit the encrypted packet see Par. 0113. And further Jacobs discloses the collection of packets being encrypted using a single key see Par. 0110. It would be obvious to one having ordinary skill in the art at the time of the invention to include encrypting of packets and transmitting the encrypted packet in the invention of Rajan in order to have privacy and authenticity in a IP environment as taught in Jacobs see Par. 0104.

Regarding Claim 6, Rajan discloses the adding/encapsulating of a second IP packet header to the first collective packet see Par. 0013.

Claims 2-4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2002/0196787 to Rajan in view of US Patent 2004/0064688 to Jacobs and further in view of US Patent 2003/0133461 to Ho et al. (hereinafter Ho).

Regarding Claim 2, Rajan nor Jacobs explicitly disclose a network tunnel through which encrypted packets can be sent. However, Ho discloses the network tunnel through which encrypted packets can be sent see Fig. 1 item 160 & Apr. 0029. It would be obvious to one having ordinary skill in the art at the time of the invention to include a network tunnel through which encrypted packets can be sent in the invention of Rajan in order to have constant bit rate through the tunnel as taught in Ho see Par. 0025.

Regarding Claim 3,7, Rajan discloses the determining of different communication data stream (audio, IP packet) destined for same destination and collectively forming a packet including the different communication streams see Par. 0012 & Par. 0015.

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Regarding Claim 4, Rajan does not disclose the time interval for receiving packet to be encrypted. However, Jacobs discloses the time interval for receiving packets to be encrypted see Fig. 4 item 45.

Regarding Claim 8, Rajan discloses the packets being constructed within the traffic meter parameters, which includes time interval see Par. 0015.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./

Examiner, Art Unit 2132

6/3/2008

/Gilberto Barron Jr/

Supervisory Patent Examiner, Art Unit 2132